MEETING MINUTES CITY OF MILPITAS

Minutes of: Regular Meeting of Milpitas City Council

Date: Tuesday, March 7, 2006
Time: 6:00 PM (Closed Session)
7:00 PM (Public Business)

Location: Council Chambers, Milpitas City Hall,

455 East Calaveras Blvd.

ROLL CALL Mayor Esteves called the meeting to order at 6:00 PM.

PRESENT: Mayor Esteves, Vice Mayor Gomez, Councilmembers Giordano and Polanski

ABSENT: Councilmember Livengood

CLOSED SESSIONMayor Esteves publicly stated the Council would convene in Closed Session to discuss the following two issues:

(1) CONFERENCE WITH LABOR NEGOTIATORS – COLLECTIVE BARGAINING

(Pursuant to California Government Code Section 54957.6)

City Negotiators: Art Hartinger, Ed Kreisberg, Carmen Valdez. Employee Organizations: Milpitas Police Officers Association (MPOA), International Association of Firefighters (IAFF), Protech. Under Negotiation: Wages, Hours, Benefits, Working Conditions

(2) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to California Government Code Section 54956.8)

Property: 82 North Main Street, Milpitas, CA (APN: 028-24-024)

City Negotiator: City of Milpitas (Mark Rogge)

Negotiating Parties: Mr. Chaudhary, Mr. Singh, and Mr. Sandhu

Under Negotiation: Terms and Conditions for Lease

The City Council reconvened in Open Session at 7:00 PM with Mayor Esteves presiding and three

Councilmembers present.

CLOSED SESSION ANNOUNCEMENT

NONE

PLEDGE Boy Scouts Troop No. 92 Color Guard led the Pledge of Allegiance.

INVOCATION Pastor Jim Tirone of Christ Community Church of Milpitas offered the invocation.

MINUTES MOTION: to approve minutes of the February 21, 2006 Council meeting, as submitted.

Motion/Second: Vice Mayor Gomez/Councilmember Polanski

Motion carried by a vote of: AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

SCHEDULE OF MEETINGS MOTION: to approve the Schedule of Meetings, as amended.

Councilmember Giordano stated that the March 9^{th} Terrace Gardens Board meeting was canceled,

and would meet only once per month from now on.

Motion/Second: Councilmember Polanski/Vice Mayor Gomez

Motion carried by a vote of: AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

PRESENTATIONS

Certificate of Appointment

Mr. Syed Mohsin was re-appointed to a term on the Community Advisory Commission.

Proclamations

- 1.) Mayor Esteves proclaimed "Certified Government Financial Manager Month" for March. Mr. Alex Gulang received the proclamation on behalf of the local chapter of CGFM.
- 2.) Mayor Esteves proclaimed "National Purchasing Month" for March. The proclamation was presented to the City's Purchasing Agent Christopher Schroeder. He credited the staff in the City Finance Department, namely Linda Cortinas, Rosina Castellanos, Keith Dills, Irene Felix, and Bart Damele.

Certificates of Commendation

- 1.) Milpitas Police Athletic League Football 4 Cheer Moms, 10 Cheer Coaches, and 3 Team Mascot Assistant Coaches were presented certificates from the Mayor.
- 2.) Three local organizations, Community Arts & History Support, Northeast Region APPN, and Milpitas Vietnamese Lions Club, organized the First Vietnamese-English *Principles of Life* Essay Celebration and Contest. Maria Nguyen thanked the Mayor and City Council for support.
- 3.) Ten Student Winners of the First Vietnamese-English *Principles of Life* Essay Contest were presented certificates by the Mayor, and he also noted the Honorable Mention students.

CITIZENS FORUM

Evan Trapp, resident of Milpitas, provided the City Council with his own suggestions for revising the manner in which his \$150 deposit for utility services is handled by the City. He provided a written copy of his suggestions to the City Clerk.

Mayor Esteves thanked him for input and Councilmembers Giordano and Gomez responded that this matter could be discussed at a Finance Subcommittee.

A man, who did not state his name, asked about the charter city ballot measure, stating that he would like more information about it.

Vice Mayor Gomez explained that Councilmember Livengood and he wrote a memo a few weeks ago, a copy of which was available from the City Clerk. An argument in favor of the measure will be written by those two Councilmembers and printed in the ballot pamphlet.

ANNOUNCEMENTS

City Manager Charles Lawson announced the successful workshop "Doing Business in Milpitas," hosted jointly by the Chamber of Commerce and the City last week, which was well attended.

Mayor Esteves congratulated city staff and sponsors who brought the workshop to prospective small business people in Milpitas.

Councilmember Polanski attended the *Principles of Life* celebration, where she appreciated reading the winning essays. She encouraged folks to go to the Milpitas library to read them.

Also, the Community Advisory Commission recently held a meeting to consider Community Development Block Grant allocations, with recommendations due to Council in April. With less money this year to distribute, it was difficult for the competing groups.

Councilmember Polanski also reminded the public about new recycling activity – new blue bins for single stream recycling, starting on March 13. She also thanked the Chamber for its successful sold-out Crab Feed event. The Milpitas Foundation for Education planned a fundraising event on April 7 at 6 PM, a crab feed and silent auction.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None

APPROVAL OF AGENDA

MOTION: to approve the agenda as amended

Councilmember Giordano requested that Agenda Item No. 2 be removed from the agenda and moved to the March 21 agenda instead.

Motion/Second: Councilmember Giordano/Vice Mayor Gomez

Motion carried by a vote of: AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

CONSENT CALENDAR

MOTION: to approve the Consent Calendar as submitted

Motion/Second: Councilmember Giordano/Councilmember Polanski

Motion carried by a vote of: AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

* 1. Continue Use Permit and "S" Zone change for Piercey Automobile Dealership Continued the Public Hearing date for Use Permit Application No. UP 2006-1 and "S" Zone change application No. SZ 2006-1 to the March 21, 2006 Council meeting date.

* 3. Mayor's Recommendation to Commission

Appointed Anastasia Sen-Beals to a vacancy on the Economic Development Commission for a hotel representative, with an expiration of April 2007.

* 5. Second Reading and Adopt Ordinance No. 43.203 Waived the second reading of the Traffic Ordinance, and adopted Ordinance No. 43.203, an Amendment to the Traffic Code to Change the Speed Limits on Various Streets.

* 6. Agreement with CalRecovery, Inc., for Solid Waste Franchise Compensation Audit Services Authorized the City Manager to execute the agreement with CalRecovery, Inc, in the amount of \$44,890, subject to approval as to form by the City Attorney.

* 7. Plans & Specifications and Bid Proposals for Sewer Deficiency and Structural Correction Program Approved plans and specifications, and authorized advertising for bid proposals, for Project No. 6073.

* 8. New Capital Improvement Project and Budget for Milpitas Communications Enhancements Approved the new Capital Improvement Project entitled "Milpitas Communications Enhancements" and approved a Budget Appropriation of \$75,000 from the Street Fund for Project No. 4232.

* 9. Approve Payment Request

Approved payment of \$20,505 to Medtronic Emergency Response Systems for the annual service and support agreement for Fire Department equipment.

UNFINISHED BUSINESS

* 2. Report Cost of Investigation of Potential Conflict of Interest This item was removed from the agenda at the request of Councilmember Giordano, with a request that it be presented to the Council at its next meeting.

JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1.

CALL TO ORDER

 $Mayor/Agency\ Chairman\ Esteves\ called\ to\ order\ the\ regular\ meeting\ of\ the\ Milpitas$

Redevelopment Agency, meeting jointly with the City Council, at 7:48 PM.

RA2.

ROLL CALL

PRESENT: Mayor/Chair Esteves, Vice Mayor/Vice Chair Gomez and Agency/

Councilmembers Giordano and Polanski

ABSENT: Agency/Councilmember Livengood

RA3.

MINUTES

Motion: approve the Redevelopment Agency minutes of February 21, 2006, including

joint meeting with the City Council, as submitted.

Motion/Second: Agency/Councilmember Giordano/ Agency/Councilmember Polanski

Motion carried by a vote of: AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

RA4. Approval of Agenda and Consent Calendar

Motion: approve the agenda and consent calendar for the Agency

Motion/Second: Agency/Councilmember Giordano/ Agency/Councilmember Polanski

Motion carried by a vote of: AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

RA 5. Progress Report on Library and East Parking Garage Jeff Adams of Cheung Partners was present with City staff Mark Rogge to discuss the progress of Projects No. 8162 and No. 8161.

The latest overall cost estimate for the library project remained at \$12.5 million. Current construction cost estimates were slightly reduced to prepare for expected later increases in costs, including anticipated increases for materials.

Mr. Rogge reviewed the status of the garage design and the connector between the parking garage and the library building. Additionally, he discussed the No. Main Street Utilities Project with the latest details of the undergrounding of utilities in the Mid-Town area, which was preparing to get underway. He further detailed some of the recent land acquisition, hazardous materials abatement and site preparation.

MOTION: receive the staff progress report on the new library and surrounding projects

Motion/Second: Vice Chair/Vice Mayor Gomez/ Agency/Councilmember Polanski

Motion carried by a vote of: AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

RA 6. Agreement For Consultant Services with Critical Solutions, Inc. Staff Mark Rogge discussed why Critical Solutions Inc (CSI) was selected to be the project management team for the new Milpitas library (Projects No. 8162, 8161, 8165, 8153, 8154, and Other Projects as Assigned).

The Critical Solutions, Inc. team consisted of President Ron Johnson, Project Manager Tom Hedges, and Construction Manager Darryl Witbeck from the firm, who were present at the meeting. This company constructed the Santa Clara New Central Park Library, Shasta County Library/Redding Main, Kaiser Parking Garage, Evergreen Community College Library and Educational Technology Center, among other recent successful projects.

The Construction Manager highlighted work that they were now completing for the San Mateo New Main Library, Berkeley Central Library (historic facility façade), and the University Circle Parking Garage (East Palo Alto).

Councilmember Giordano asked, what was the cost for this project relative to overall costs (based on other libraries)? CSI management said it depends on the nature of the contract and gave an example of 6-7% of construction costs for another city's library building. Mark Rogge responded that the cost was in line with other similar projects. The sum is a lump sum fixed, with other costs variable.

Councilmember Polanski asked if the team presented tonight was the same team that was scheduled to work throughout the life of the library project? Yes was the reply.

Vice Mayor Gomez wondered if City staff had a more integrated role in the project. Mr. Rogge responded stating that it was City staff's job to ensure that CSI complied with the contract and performed work as documented. Also, staff would be out in the field as construction proceeds. He detailed which staff would be out there in the field.

Mayor Esteves asked how would the organization chart look when staffed, and wanted to know who was the main "number one" person in charge of this significant building in Milpitas. Mr. Tom Hedges responded it would be him. He addressed the issue of keeping change orders to a very minimum on a project of this size.

MOTION: Authorize the City Manager to execute an agreement with Critical Solutions, Inc. in the amount of \$2,200,000, subject to approval as to form by the City Attorney

Motion/Second: Vice Chair/Vice Mayor Gomez /Agency/Councilmember Polanski

Motion carried by a vote of: AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

RA 7. Consideration of the Draft 2005-10 Redevelopment Implementation Plan

Economic Development Manager Diana Whitecar presented the draft plan to the Council. She reviewed the two project areas in Milpitas: RDA Plan Area No. 1 and the Great Mall (with an 11/2/08 expiration date).

The Plan could celebrate successes and achievements as highlighted, with transportation, utilities, public infrastructure, and open space as the noted major investments over the last five years.

She further identified seven major projects completed in the redevelopment area, including storm drain improvements, sewer & water projects, Milpitas Sports Center and Senior Center improvements, Civic Center improvements, City Identification signs and Mid-Town area improvements. Current Goals and Objectives were detailed, noting that especially commercial rehabilitation needed attention. She explained in some detail, in response to Vice Mayor Gomez's inquiry on this detail of the plan.

Ms. Whitecar also discussed the adopted Capital Improvement Program, including the total funds for CIPs generated from Redevelopment money. She reviewed current law and approaches statewide, with regard to CIP funding.

With regard to affordable housing, the project area through December 2014 would accumulate \$52 million toward future affordable housing. The total number of units created over the last five years was 456. Revenues & Expenditures for 2005-2010 were examined (as in the written report). Required debt services, in addition to expenditures on major projects such as the library and senior center, were identified.

Conclusions:

For 80% of the RDA Fund: the city needs an active CIP Plan, and with moderate growth such as 4%, with bond proceed obligations met, the RDA fund would not cover expenditures within five years. Therefore, there was a need to refocus on projects that would create tax increment revenue growth, without impacting General Fund.

For the 20% Set Aside Fund: there were active programs, which could expand, and the City has met its senior low-income housing requirement with the DeVries Place project, now underway.

Councilmember Polanski stated she wanted to move the public hearing date later into the spring a bit, as she needed more time to review the draft plan in detail, and wanted more time to read it and comment.

Councilmember Giordano inquired as to whether the 20% housing set aside funds were addressed in the General Plan's Housing Element. Planning staff would address this at the next City Council meeting.

Vice Mayor Gomez asked Ms. Whitecar when the plan must be adopted, and she responded: within the Fiscal Year.

MOTION: request staff continue the preparation of the 2005-2010 Redevelopment Implementation Plan, with further public discussion scheduled at the April 18, 2006 City Council meeting, and at that meeting, schedule a public hearing date in the future to adopt the final plan.

Motion/Second: Agency/Councilmember Polanski / Mayor/Chair Esteves

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

*RA 8. Plans & Specifications and Ad for Bid Proposals

Approved plans and specifications, and authorized advertising for bid proposals for the North Main Street Development Soil Remediation and Site Preparation, Project No. 8154

*RA 9. Resolution of Initial Acceptance of the Coyote Creek Trail, Reach 1 Adopted Resolution No. RA 249 Granting Initial Acceptance of the Coyote Creek Trail Reach 1, Project No. 4206.

*RA 10. Purchase Order for Legal Services Approved Purchase Order for Meyers, Nave in the amount of \$300,000, for public works litigation expenses for FY 2005-06 and approved appropriate in the amount of \$300,000 from the Redevelopment Agency undesignated reserves to the City Attorney's Department Supplies and Services Budget for FY 2005-06.

RA 11. ADJOURNMENT

Chair/Mayor Esteves adjourned the Redevelopment Agency meeting at 8:56 PM.

REPORT OF OFFICERS

Item Adopted on Consent Calendar.

ORDINANCES

4. Second Reading and Adoption Ordinance No. 273

Assistant City Attorney Richard Pio Roda explained that the Ordinance presented for adoption called for an alternate member on the Milpitas Planning Commission. It would be effective April 7, if adopted and the soonest that the City Council could make an appointment would be on April 18.

Mr. Pio Roda also asked the City Council to provide staff with direction on how it would like to proceed with the recruitment of an alternate member. At its own discretion, the City Council may choose to hold a special meeting to interview applicants, after the typical recruitment effort for Commissioners, through the City Clerk's office.

Vice Mayor Gomez mentioned the Planning Commission applicant interviews held recently (November 30, 2005) were fresh in his mind. He wanted to consider selection from among those applicants who were not appointed last fall.

Councilmember Giordano wanted to advocate going out broadly in the community for recruitment of the alternate member. She recommended the normal process, where it should be advertised, as if a regular vacancy on the Commission, and holding the usual interviewing selection process.

Councilmember Polanski understood the Vice Mayor's comments, but if the ordinance was adopted, she felt it important to continue the same process used in the past, to post the vacancy, have the City Clerk receive applications, and maybe hold shorter interviews. Basically, she supported the same process used last time for Planning Commissioners.

Mayor Esteves agreed with Councilmembers Polanski and Giordano, to have the regular recruitment process. He did not support any "pre-selection."

(1) MOTION: Waive second reading of Ordinance No. 273

Richard Pio Roda read aloud the title "An Ordinance of the City Council of the City of Milpitas Adding Section 1.15 to and Amending Sections 1.01 and 1.03 of Chapter 500 of Title I of the Milpitas Municipal Code related to the Appointment, Power and Duties of an Alternate Member of the City of Milpitas Planning Commission."

Motion/Second: Vice Mayor Gomez/Councilmember Giordano

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

(2) MOTION: Adopt Ordinance No. 273

Motion/Second: Vice Mayor Gomez/Councilmember Giordano

Motion carried by a vote of: AYES: 3

NOES: 1 (Esteves) ABSENT: 1 (Livengood)

(3) MOTION: Continue the recruitment process as for any other Planning Commission vacancy, announce it, set a date for and hold interviews; and, possibly consider some different questions on the Supplemental Questionnaire that accompanies the application.

Motion/Second: Councilmember Polanski /Vice Mayor Gomez

Motion carried by a vote of: AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

BIDS AND CONTRACTS Items were adopted on the Consent Calendar.

CLAIMS AND DEMANDS Item was adopted on the Consent Calendar.

ADJOURNMENT Mayor Esteves adjourned the meeting at 9:04 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on March 21, 2006.

submitted on March 21, 2000.

Mary Lavelle, City Clerk